

RE: ORDER DISMISSING CIVIL WITHOUT PREJUDICE

2:22-CV-01822-GMN-BNW

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 16 2023	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>[Signature]</u>	DEPUTY

DEAR MS. WEKSLER,

I WILL MAKE THIS AS BRIEF AND CONCISE AS POSSIBLE. I FINALLY RECEIVED THE CASE #: 2:22-CV-01822/PROCESS, TODAY 12-29-22. THIS MEANS THAT I DID NOT KNOW THAT THE COMPLAINT HAD BEEN DISMISSED WITHOUT PREJUDICE ON 11-21-22 UNTIL TODAY. AND SO, NATURALLY, I DIDN'T KNOW THAT I HAD UNTIL 12-21-22 TO AMEND THE COMPLAINT.

EMPHATICALLY, IF THE "CRIMINAL PROCEEDINGS WERE [NOT] VALID", AND WERE NOT "CONDUCTED" IN A COURT HAVING LAWFUL JURISDICTION, IN ACCORD WITH THE LAWS IN FORCE AT THE TIME OF CONVICTION, THEN, WOULD THAT NOT EXPLAIN WHY THE DEFENDANT'S AUTHORITY WAS CHALLENGED BY ME IN THE FIRST PLACE? AND FOR A MOMENT, IF YOU WOULD, WHAT IF THE COMMISSIONERS KNEW, BECAUSE OF A CONVERSATION WITH THE STATE PUBLIC DEFENDER TWO DAYS PRIOR, THAT I INTENDED TO ASSERT [ON THE RECORD] THEIR AUTHORITY WAS VOID/INVALID BECAUSE THE SENTENCING COURT HAD NO LAWFUL ORIGINAL JURISDICTION TO COMMIT ME TO PRISON, NOR TO ENTER THE JUDGMENT OF CONVICTION AGAINST ME, COULD THAT BE WHY THE DEFENDANT ABOVE BOARD COMMISSIONERS WOULD NOT ALLOW ME TO ASSERT THAT CONSTITUTIONAL DEFENSE ON THE RECORD?

AND, MS. WEKSLER, THAT WAS/IS WHY THE APPOINTMENT OF COUNSEL WAS NECESSARY TO INSURE THAT I FINALLY WOULD HAVE MY DAY IN COURT... THE INITIAL FRAUD (1994) WAS FOR THE UNLAWFUL PURPOSE OF SETTING IN MOTION A CHAIN OF EVENTS THAT WOULD ULTIMATELY ALLOW THE STATE PAROLE BOARD COMMISSIONERS TO IGNORE MY CONSTITUTIONAL DEFENSE TO THEIR PURPORTED AUTHORITY, AND THEREBY, DENY ME THE "CONSTITUTIONAL RIGHT ENFORCE MY CIVIL RIGHT TO PERSONAL LIBERTY. THE PAROLE BOARD COMMISSIONERS ARE INDEED

VICARIOUSLY LIABLE FOR THE INTENTIONAL DEPRIVATIONS OF MY CONSTITUTIONAL RIGHTS - 25 YEARS AGO - BY THE STATE CONSTITUTIONAL OFFICERS RESPONSIBLE FOR THE JUDICIAL PROCEEDINGS LEADING UP TO THE VOID JUDGMENT OF CONVICTION.

MY PRO SE COMPLAINT WAS/IS MORE THAN MERELY LABELS AND CONCLUSIONS, MS. WEKSLER. AND AT THE PLEADING STAGE I WOULD HAVE THOUGHT THAT THE ALLEGATIONS "IMPLIED WITHIN AND BY THE RESPONSE TO" WHAT I WANT THE COURT TO DO FOR ME - WOULD NECESSARILY CONSTITUTE "SUFFICIENT FACTUAL ALLEGATIONS ABOUT THE UNDERLYING DISPUTE AND THE DEFENDANT'S ROLE IN THE MATTER TO STATE A CLAIM."

FINALLY, AND ONCE AGAIN, I ONLY RECEIVED THE ORDER DISMISSING THE COMPLAINT WITHOUT PREJUDICE TODAY, 12-29-22. THE ORDER WAS ISSUED ON 11-21-22, AND I HAD UNTIL 12-21-22 TO AMEND THE COMPLAINT. IT WOULD APPEAR THAT THE COURT WAS [NOT] CONCERNED AS TO WHETHER I WOULD OR COULD BE SUCCESSFUL ON THE MERITS. HOWEVER, I AM NOT DETERED, I AM ACCUSTOMED TO NEVADA'S SPECIALIZED BRAND OF CONTREVAANCE AND LAWLESSNESS BUT I WILL, ONCE AGAIN, ASK THAT THIS COURT RECONSIDER THE DEFENDANT'S AUTHORITY AND WHETHER IT STEPS FROM VALID CRIMINAL PROCEEDINGS, CONDUCTED IN A COURT HAVING LAWFUL JURISDICTION, IN ACCORD WITH THE STATE LAWS IN FORCE AT THE TIME OF CONVICTION. LIBERALLY CONSTRUED, I BELIEVE, TO ASK THE QUESTION IS TO ANSWER IT IN YOUR PLAINTIFF'S FAVOR; AND THE FACE OF THE RECORD PROVES IT. IF TAKEN AS TRUE, THE QUESTIONS AS TO THE VALIDITY OF THE CRIMINAL PROCEEDINGS, AS TO WHETHER THEY WERE CONDUCTED IN A COURT HAVING LAWFUL JURISDICTION, IN ACCORD WITH THE LAWS IN FORCE AT THE TIME OF CONVICTION, AND IF CONSTRUED IN THE LEAST MOST FAVORABLE TO THE PLAINTIFF, THE ORDER

IS/IS NOT INVALID AND THE COURT'S

IT IS ORDERED that ECF No. 16 is GRANTED in part and DENIED in part. ECF No. 16 is granted to the extent Plaintiff is seeking more time to file an amended complaint. ECF No. 16 is denied without prejudice to the extent Plaintiff seeks to have ECF No. 16 serve as his amended complaint. IT IS FURTHER ORDERED that the Clerk of Court is directed to send Plaintiff a form complaint. IT IS FURTHER ORDERED that Plaintiff must complete the form complaint, in legible handwriting, and file it by March 17, 2023. Failure to comply with this order may result in a recommendation that this case be dismissed.

IT IS SO ORDERED

DATED: 9:56 am, February 21, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE